

REMARKS

The Office Action has been received and carefully considered. Claims 1-7, 9-27, and 29 are pending in the application. Claims 1-6, 12, 13, 26, 27, and 29, are amended. Claims 8, 28, 30 and 31 are canceled without prejudice or disclaimer. No new matter has been added. Reconsideration of the outstanding rejections in the present application are requested based on the following remarks.¹

Interview Summary

On June 2, 2008, Examiner McCormick, Examiner Weiss and the undersigned representative, Tom Corrado, conducted an in-person examiner interview. The undersigned representative thanks the Examiners for the courtesies extended during the interview. There were no exhibits shown nor was a demonstration conducted. The Brodersen (U.S. Patent 6,850,895) and Schultze (U.S. Patent 7,047,206) references was discussed with respect to the claims 1 and 8. No agreement was reached.

Support for Claim Amendments

Exemplary support for the claim amendments for claims 1, 26, and 29, may be found, *inter alia*, in Figure 8, Figure 11, and in paragraphs [0092], [0103], [0114], [0134], [0136], [0157], and [0158] of U.S. Pub. No. 2004/0143482, the printed publication for this application. Paragraph [0092] discloses the lead credit balance. Paragraph [0103] discloses how the conversion of a sales lead and receiving a new lead changes the lead credit balance. Paragraph [0114] discloses a supervisor or manager reviewing updates to a sales lead. Paragraphs [0134], [0136], [0157], and [0158] disclose assigning leads to call centers and to agents having a lead credit balance above a minimum value. Exemplary support for the claim amendments to claims

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

2-6 and 27, may be found, *inter alia*, in Figures 5 and 6, and in paragraphs [0112] and [0118] - [0126] of U.S. Pub. No. 2004/0143482.

Rejection of Claims 1-6, 8, 12, and 26-29 under 35 U.S.C. 112, 2nd Paragraph

The Office Action rejects claim 1-6, 8, 12, and 26-30 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-6, 8, and 26-30 are rejected due to the use of “if” or “whether” in the claims, without providing an outcome. Claims 1-6, 8, 12, and 26-29 are amended in this response to provide an outcome. Claim 30 is canceled in this response, thus this rejection is rendered moot. Claim 12 is rejected for the use of the phrase “based on agent scores.” Claim 12 has been amended in this response to delete the phrase “based on agent scores.” Claim 13 is rejected for its dependency on claim 1. Claim 13 has been amended in this response and is now dependent on claim 11. Claim 30 is also rejected, however claim 30 is canceled in this response, thus rendering this rejection moot. As a result, withdrawal of the rejection of claims 1-6, 8, 12, and 26-29 is requested.

Rejection of Claims 1, 4, 6, 7, 10, 11, 13-17, 26, and 30-31 under 35 U.S.C. 102(e)

Claims 1, 4, 6, 7, 10, 11, 13-17, 26, and 30-31 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,850,895 to Brodersen *et al.* (“Brodersen”). This rejection is traversed. Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a *prima facie* case of anticipation. As stated in MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Brodersen does not disclose “A method of assigning sales leads in a network environment, the sales leads relating to persons interested in effecting a purchase, the method comprising: obtaining a lead, the lead including lead information relating to a person interested in effecting a purchase; loading the lead into a lead processing portion; determining, by the lead processing portion, if the lead is auto-assignable by initiating an auto-assignment process; in the event the lead is auto-assignable, assigning the lead to a sales agent having a leads credit balance above a minimum value, wherein sales agents having a leads credit balance below a minimum value are removed from being considered as a potential recipient, the leads credit balance is automatically generated by the lead processing portion based on leads that an agent has

converted to sales and a number of new leads that the agent has obtained, the converted leads adding to the lead credit balance and the new leads detracting from the lead credit balance; and outputting the lead information over the network environment to a lead distribution portion, so as to be accessible to the sales agent; and in the event the lead is not auto-assignable, ending the auto-assignment process.” as recited in amended claim 1 of the present application. (Emphasis added).

Claim 1 has been amended to incorporate claim 8. Regarding claim 8, the Office Action discusses agent scores. The Office Action admits that, “Brodersen does not disclose basing the score in part on leads converted to sales.” *Office Action*, p. 11. The Office Action asserts that Schultze (U.S. Patent No. 6,850,895) “discloses, reports including, ‘the number of leads converted to sales, the number of leads in active use’ (col. 8; line 65 - col. 9; line 1).” *Id.* As discussed in the Examiner Interview, reporting the number of converted leads and the number of leads is not the same as calculating a leads credit balance as recited in amended claim 1. Hence, at a minimum, Brodersen fails to disclose each and every element as recited in amended claim 1. In addition, neither Brodersen nor Schultze, either singularly or in combination, teach or suggest each and every element of amended claim 1. Hence, independent claim 1, as well as, dependent claims 2-7 and 9-25 are patentable over the applied art. Since, independent claim 26 contains similar limitations as recited in claim 1, claim 26 is patentable over the applied art for the same reasons recited above with respect to claim 1.

For at least these reason, independent claims 1 and 26 are patentable over the applied art as recited above, dependent claims 2-7, 9-25, and 27, respectively, are also patentable over the applied art. Therefore, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Regarding claims 30 and 31, since these claims are canceled in this response, this rejection is rendered moot. The withdrawal of rejection of claims 1, 4, 6, 7, 10, 11, 13-17, and 26 is requested.

Rejection of Claims 2 & 27 under 35 U.S.C. 103(a)

Claims 2 and 27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brodersen in view of U.S. Publication 2003/0229504 to Hollister (“Hollister”). Since claims 2 and 27 are dependent on allowable independent claims 1 and 26, respectively, and since Hollister does not cure the deficiencies of Brodersen with respect to claims 1 and 26, dependent claims 2

and 27 are allowable as well. Therefore, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 2 and 27 is requested.

Rejection of Claims 3, 18, & 19 under 35 U.S.C. 103(a)

Claims 3, 18, and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brodersen in view of U.S. Patent 6,850,895 to Melchione *et al.* ("Melchione"). Since claims 3, 18, and 19 are dependent on allowable independent claim 1 and since Melchione does not cure the deficiencies of Brodersen with respect to claim 1, dependent claims 3, 18, and 19 are allowable as well. Therefore, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 3, 18, and 19 is requested.

Rejection of Claims 5, 8, 9, & 28 under 35 U.S.C. 103(a)

Claims 5, 8, 9, and 28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brodersen in view of U.S. Patent 7,047,206 to Schultze (Schultze"). The limitations of claims 8 and 28 are added to independent claims 1 and 26, respectively, and are canceled, thus rendering the rejection of claim 8 and 28 moot. As argued above with respect to independent claim 1, neither Brodersen nor Schultze, either singularly or in combination, teach or suggest each and every limitation recited in amended claim 1. Since claims 5 and 9, are dependent on allowable independent claim 1, and since Schultze does not cure the deficiencies of Brodersen with respect to claim 1, dependent claims 5 and 9 are allowable as well. Therefore, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 5 and 9 is requested.

Rejection of Claims 12 & 29 under 35 U.S.C. 103(a)

Claims 12 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brodersen in view of Schultze and in view of Hollister. Since claim 12 is dependent on allowable independent claim 1 and since neither Schultze nor Hollister cure the deficiencies of Brodersen with respect to claim 1, dependent claim 12 is allowable as well. Since, independent claim 29 contains similar limitations as recited in claim 1, claim 29 is patentable over the applied art for the same reasons recited above with respect to claim 1. Since neither Schultze nor Hollister cure the deficiencies of Brodersen as recited above with respect to claim 1, independent

claim 29 is allowable for at least this reason. Therefore, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 12 and 29 is requested.

Rejection of Claims 20-22 and 24 under 35 U.S.C. 103(a)

Claims 20-22 and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brodersen in view of Melchione and in view of Official Notice. Since claims 20-22 and 24 are dependent on allowable independent claim 1 and since neither Melchione nor the Official Notice cure the deficiencies of Brodersen with respect to claim 1, dependent claims 20-22 and 24 are allowable as well. Therefore, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 20-22 and 24 is requested.

Rejection of Claims 23 and 25 under 35 U.S.C. 103(a)

Claims 23 and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brodersen in view of Melchione in view of Official Notice and in view of Schultze. Since claims 23 and 25 are dependent on allowable independent claim 1 and since the additional applied art does not cure the deficiencies of Brodersen with respect to claim 1, dependent claims 23 and 25 are allowable as well. Therefore, the undersigned representative will not address the arguments with respect to these claims and reserves the right to address these arguments at a later time. Withdrawal of the rejection of claims 23 and 25 is requested.

CONCLUSION

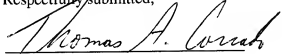
The foregoing is submitted as a full and complete Response to the Non-final Office Action mailed March 7, 2008, and early and favorable consideration of the claims is requested. If the Examiner believes any informalities remain in the application which may be corrected by Examiner's Amendment, or if there are any other issues which may be resolved by telephone interview, a telephone call to the undersigned attorney at (703)714-7448 is respectfully solicited.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0206, and please credit any excess fees to such deposit account.

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